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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN MACKEY,

Defendant.

2:11-cr-00269-KJD-CWH

~~2:11-CR-296-KJD (CWH)~~

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on April 24, 2012, defendant JOHN MACKEY pled guilty to a One-Count Criminal Indictment charging him with Possession of a Machinegun in violation of Title 26, United States Code, Section 5861(d). Indictment, ECF No. 14.

This Court finds defendant JOHN MACKEY agreed to forfeiture of the property set forth in the Forfeiture Allegation of the Criminal Indictment and agreed to in the Plea Memorandum. Indictment, ECF No. 14.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between the property set forth in the Forfeiture Allegation of the Criminal Indictment and agreed to in the Plea Memorandum, and the offense to which defendant JOHN MACKEY pled guilty.

The following assets are subject to forfeiture pursuant to Title 26, United States Code, Section 5872(a):

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1. Armory USA, Model AUSA 7.62x39mm caliber machinegun, serial number A7173; and
2. any and all ammunition ("property").

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of JOHN MACKEY in the aforementioned property is forfeited and is vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the time under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the following address at the time of filing:

Michael A. Humphreys
Assistant United States Attorney
Daniel D. Hollingsworth
Assistant United States Attorney
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
2 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
3 following publication of notice of seizure and intent to administratively forfeit the above-described
4 property.

5 DATED this 29th day of May, 2012.

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9 UNITED STATES DISTRICT JUDGE
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